

**REMARKS**

Claim 1 has been amended in order to clarify the meaning thereof, but not for a reason related to patentability. Thus, claims 1, 2 and 4-7 remain for consideration in this application.

**Claims 1, 2 and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kasai (USP 4,866,687).**

Kasai is described in applicant's response of March 3, 2004. It is submitted that Kasai does not anticipate claim 1, as amended above. In fact, Kasai discloses no more than was described in the discussion of the prior art in the specification of the instant application. As with the discussed prior art, if a TZC signal in its offset value varies during a seek operation, a disturbance may possibly occur in the TZC signal, thus resulting in the incorrect counting of TZC signal edges.

Claim 1 requires that:

an incrementer for incrementing the count value of said counter depending upon the moving direction and the level of the tracking zero-cross signal determined by said level determiner.

Thus, the count value is actually incremented in response to the moving direction and the detected level of the tracking zero-cross signal. In order to provide for a stable seek operation, the incrementing described above is important to adjust for the incorrect counting of the TZC signal pulses in the Kasai reference. On the contrary, a stable seek operation is provided by the invention of claim 1. More specifically, this distinction can be seen in consideration of Fig. 3(B) which shows a case in which the TZC is not deviated. Fig. 3(D) illustrates a case in which the TZD signal

is deviated. Because, in Fig. 3(D) the TZC signal is deviated, the count value becomes less than that of Fig. 3(B) by “1”. Then, the possibility of whether such an erroneous count occurs is based on the level of the TZC signal and the moving direction at the current position. If this possibility occurs, the count value is increased by “1” in order to correct the erroneous count.

Kasai does not detect the TZC signal in the same way as the claimed invention. Although the Office Action refers to columns 6 and 7 to show the level detecting means of Kasai, it does not refer to any specific elements. Furthermore, Figs. 3 and 4 do not show a similar level detector as required by the claims. Accordingly, it is submitted that claim 1 is not anticipated by Kasai.

In view of the amendments to the claims set forth above, applicant submits that the Examiner's rejection have been overcome. Accordingly, it is respectfully requested that the Examiner withdraw the rejection and allow present claims 1, 2 and 4-7.

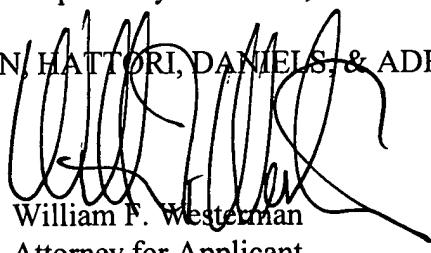
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In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. **50-2866**.

Respectfully submitted,

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